

REMARKS

Claims 6 and 8-10 are pending in the present application. Claims 1-5 were previously withdrawn. Claim 7 has been cancelled and claims 6 and 8-10 have been amended as further provided herein.

Claim 7 was objected to pursuant to 37 C.F.R. §1.75(c) as being of improper dependent form for purportedly failing to further limit the subject matter of the previous claim. Claims 6-10 were rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,984,402 to Davies in view of U.S. Patent No. 6,003,277 to Graham et al. or U.S. Patent No. 5,014,466 to Winner and U.S. Patent No. 2,993,242 to Leisbach or U.S. Patent No. 4,819,405 to Jackson.

In response to the Official Action, Claim 7 has been cancelled and Claims 6 and 8 -10 have been amended to overcome the objection to Claim 7 and to further point out the patentable differences between the subject invention and the cited references.

As presently amended, Claim 6 is patentable over the references as cited and applied in that, among other reasons, Claim 6 requires:

a slot that is located in said center surface, said slot having sides that extend between said first and second longitudinal ends of the body of said rail, said slot forming a pathway between said center face and said internal passageway

in combination with

b. a reinforcing member that is insertable between the biased-apart sides of said slot and into the internal passageway of said body to strengthen said body at times when water that collects in said internal passageway flows from said internal passageway through said boring to the perimeter face of said body;

None of the references describe or suggest structure as claimed that permits the assembly of a reinforcing member into the body of the rail after the rail has been extruded. This allows the disclosed rail to be assembled without need for complicated manufacturing techniques such as the cross-headed die arrangement described in Graham. (See pg. 4, lines 12-16). Also, this allows the reinforcing member to be inserted in a manner that also allows water entering the internal passageway to flow through the internal passageway to the boring that carries the water to the perimeter face of the body. (See pg. 4, lines 7-12).

In contrast to the presently claimed invention, the sash window of Davies has no reinforcement. In Graham, the rigid internal reinforcement is “embedded within the cellular structure 118 of the embodiment 110 through use of a cross-headed die arrangement.” (Graham, Col. 2, lines 55-58). The rigid internal reinforcement of Graham would not allow water to flow through the sash past the internal reinforcement. Similarly, nothing in Winner describes or suggests the insertion of a reinforcing member into an internal passageway such that water flows around the internal reinforcement to a boring.

Jackson and Leisibach were cited as describing a slot that would allow water flow in substitution for a hole. However, nothing in either of those references is seen to suggest a slot wherein sides of the slot extend between said first and second longitudinal ends of the rail body such that they can be biased-apart to accept a reinforcing member such as required by Claims 6 and 8-10.

CONCLUSION

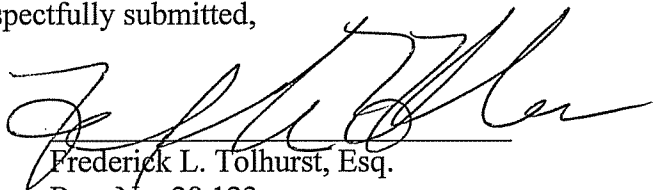
In accordance with the forgoing amendments to the Claims and in view of the above remarks, Applicant respectfully submits that the patent application and the claims are in a condition for allowance. Accordingly, reconsideration and allowance of the claims are respectfully requested.

Applicant would appreciate the courtesy of a telephone call should the Examiner have any questions or comments with respect to this response or the claim language for purposes of efficiently resolving same.

The Commissioner is hereby authorized to charge Deposit Account No. 03-2026 for any fees associated with this Response.

Respectfully submitted,

By



Frederick L. Tolhurst, Esq.

Reg. No. 28,123

PTO Registration No. 54,363

Cohen & Grigsby, P.C.

11 Stanwix Street, 15th Floor

Pittsburgh, PA 15222-1319

(412) 297-4900